

25.09.2025
Sl. No.29
Ct. No.42
Ss

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 14762 of 2025

Sri Sanatan Ghosh

Versus

The State of West Bengal & Ors.

Mr. Moyukh Mukherjee
Mr. Abhijit Singh
Ms. Sagnika Banerjee
Mr. Koustav Bhattacharya

...for the Petitioner.

Mr. Jahar Lal De, Ld.AGP
Mr. Shamim ul Bari

... for the State

Mr. Manas Kuamr Das
Mr. Aritra Kumar Thokdar

...for the respondent nos.8 & 9.

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks appropriate direction upon the respondent authorities to communicate the decision taken by the said panchayat with regard to hearing conducted before it by the petitioner and private respondents within a stipulated period of time and also take appropriate action in accordance with law for hampering the free ingress and egress of the petitioner in his property.
3. This is second round of litigation.
4. The petitioner contends that he is the owner of land comprised within plot no.725 Mouza Togra, P.S.-Burwan, Dist.-Murshidabad measuring more or less 2½ decimals

out of 11 decimals of land and has constructed a house therein. A Government drain is situated in between the Government road and the petitioner's house. The private respondent gathered straw and illegally constructed a cow-shed by covering the said drain thereby obstructing from egress and ingress of the petitioner. Being aggrieved by such action, the petitioner filed a writ petition before this Court being WPA 21963 of 2024.

5. The said writ petition was disposed of with the following directions:

“ In view of the submissions made on behalf of the parties, WPA 21963 of 2024 stands disposed of by directing the respondent no.5 to dispose of the representation dated 19th May 2024 within a period of six weeks from the date of communication of this order to the said respondent and after giving a right of hearing to the private respondent nos.8 and 9 as well as the petitioner in accordance with law and without being influenced by any observation of direction made in this order.”

6. Pursuant to the aforesaid direction, though the petitioner was called for hearing on 4th September, 2024 but till date no such order has been passed by the concerned gram panchayat.

7. Being aggrieved by and dissatisfied with such inaction of the Pradhan of the local Gram Panchayat, the petitioner has preferred this present writ petition.

8. Mr. Moyukh Mukherjee, learned Advocate for the petitioner submits that despite hearing being conducted by the Pradhan, the petitioner has not been informed of the status of the proceeding. Due to such filling up of drain

and creation of obstruction by private respondents, the egress and ingress of the petitioner to enter into his property is affected.

9. Mr. Manas Kumar Das, learned Advocate for the private respondents submits that there is no such obstruction at the instance of the private respondents.

10. It is informed by the learned Advocates for the petitioner as well as private respondent that upon notice they have appeared before the Pradhan of the local gram panchayat for hearing. It is the case of the petitioner that no such order has been passed pursuant to such hearing conducted by the Pradhan of the local Gram Panchayat.

11. In view of the above, the Pradhan, Panchthupi Gram Panchayat, respondent no.5 is directed to dispose of the representation of the petitioner dated 19th May, 2024 in relation to which hearing has been held within a period of six weeks from the date of communication of this order in terms of the previous order of this Court dated 28th November, 2024 passed in WPA 21963 of 2024 and pass reasoned order, if not already passed.

12. The reasoned order shall be communicated to the petitioner as well as to the private respondents within a period of one week thereof.

13. Learned advocate for the petitioner is directed to communicate this order to the respondent no.5, Pradhan, Panchthupi Gram Panchayat.

14. With the above direction, the writ petition being **WPA 14762 of 2025** stands disposed of.

15. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

16. Interim order, if any, stands vacated.

17. All connected applications, if any, stand disposed of.

18. There shall be no order as to costs.

19. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

20. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)